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5 **BEFORE THE**
6 **BOARD OF PHARMACY**
7 **DEPARTMENT OF CONSUMER AFFAIRS**
8 **STATE OF CALIFORNIA**

9 In the Matter of the Accusation Against:

10 **ROSA REBECCA NAVARRO**

11 2208 S. Hemlock
12 Tulare, CA 93274

13 Pharmacy Technician Registration No. TCH 108122

14 Respondent.

Case No. 4222

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

15 **FINDINGS OF FACT**

16 1. On or about July 2, 2012, Complainant Virginia Herold, in her official capacity as the
17 Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation
18 No. 4222 against Rosa Rebecca Navarro (Respondent) before the Board of Pharmacy.
(Accusation attached as Exhibit A.)

19 2. On or about February 24, 2011, the Board of Pharmacy (Board) issued Pharmacy
20 Technician Registration No. TCH 108122 to Respondent. The Pharmacy Technician Registration
21 was in full force and effect at all times relevant to the charges brought in Accusation No. 4222
22 and will expire on December 31, 2012, unless renewed.

23 3. On or about July 13, 2012, Respondent was served by Certified and First Class Mail
24 copies of the Accusation No. 4222, Statement to Respondent, Notice of Defense, Request for
25 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
26 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
27 is required to be reported and maintained with the Board. Respondent's address of record was
28 and is: 2208 S. Hemlock, Tulare, CA 93274.

1 4. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
3 124.

4 5. On or about July 23, 2012, the aforementioned documents were returned by the U.S.
5 Postal Service marked "Not Deliverable As Addressed."

6 6. Government Code section 11506 states, in pertinent part:

7 (c) The respondent shall be entitled to a hearing on the merits if the respondent
8 files a notice of defense, and the notice shall be deemed a specific denial of all parts
9 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

10 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
11 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4222.

12 8. California Government Code section 11520 states, in pertinent part:

13 (a) If the respondent either fails to file a notice of defense or to appear at the
14 hearing, the agency may take action based upon the respondent's express admissions
15 or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

16 9. Pursuant to its authority under Government Code section 11520, the Board finds
17 Respondent is in default. The Board will take action without further hearing and, based on the
18 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
19 as well as taking official notice of all the investigatory reports, exhibits and statements contained
20 therein on file at the Board's offices regarding the allegations contained in Accusation No. 4222,
21 finds that the charges and allegations in Accusation No. 4222, are true and correct.

22 10. Taking official notice of its own internal records, pursuant to Business and
23 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
24 and Enforcement is \$1,317.50 as of July 26, 2012.

25 DETERMINATION OF ISSUES

26 1. Based on the foregoing findings of fact, Respondent Rosa Rebecca Navarro has
27 subjected her Pharmacy Technician Registration No. TCH 108122 to discipline.

28 2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician Registration based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a. Respondent is subject to disciplinary action under section 4301(h) in that on September 8, 2011, Respondent was driving a vehicle in Tulare, California under the influence of methamphetamine in violation of Health and Safety Code section 11550.

b. Respondent is subject to disciplinary action under section 4301(j) by violating statutes regulating controlled substances as described in paragraph 8 above.

ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 108122, heretofore issued to Respondent Rosa Rebecca Navarro, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on October 15, 2012.

It is so ORDERED ON September 14, 2012

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By STANLEY C. WEISSER
Board President

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 PATRICK M. KENADY
Deputy Attorney General
4 State Bar No. 050882
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5377
Facsimile: (916) 327-8643

7 *Attorneys for Complainant*

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9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 4222

13 **ROSA REBECCA NAVARRO**
2208 S. Hemlock
14 Tulare, CA 93274

A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH 108122**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

22 2. On or about February 24, 2011, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 108122 to Rosa Rebecca Navarro (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on December 31, 2012, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 4300 of the Code states:

"(a) Every license issued may be suspended or revoked.

...

5. Section 4301 of the Code states:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

...

"(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license."

...

6. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

7. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

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1 FIRST CAUSE FOR DISCIPLINE
2 (Use of Dangerous Drugs)

3 8. Respondent is subject to disciplinary action under section 4301(h) in that on
4 September 8, 2011, Respondent was driving a vehicle in Tulare, California under the influence of
5 methamphetamine in violation of Health and Safety Code section 11550.

6 SECOND CAUSE FOR DISCIPLINE
7 (Controlled Substances)

8 9. Respondent is subject to disciplinary action under section 4301(j) by violating
9 statutes regulating controlled substances as described on paragraph 8 above.

10 DISCIPLINARY CONSIDERATIONS

11 10. On or about May 20, 2002, in the Superior Court, County of Tulare, State of
12 California, in the matter entitled *People v. Navarro, Rosa*, Case No. TCM 09106202, Respondent
13 was convicted following her plea of guilty to a violation of Penal Code section 242 (Battery), a
14 misdemeanor.

15 11. On or about November 1, 2004, in the Superior Court, county of Tulare, State of
16 California, in the matter entitled *People v. Navarro, Rosa*, Case No. TCM 1343031, Respondent
17 was convicted of a violation of Vehicle Code Sections 20002(a) (failure to stop for vehicular
18 assault); Penal Code section 242 (battery), and Penal Code section 136.1(a)(2) (witness
19 intimidation), all misdemeanors.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
22 and that following the hearing, the Board of Pharmacy issue a decision:

23 1. Revoking or suspending Pharmacy Technician Registration Number TCH 108122,
24 issued to Rosa Rebecca Navarro;

25 2. Ordering Rosa Rebecca Navarro to pay the Board of Pharmacy the reasonable costs
26 of the investigation and enforcement of this case, pursuant to Business and Professions Code
27 section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED:

7/2/12



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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